

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: MICHAEL J. MALLIE
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PCT

WRITTEN OPINION

(PCT Rule 66)

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
LOS ANGELES

Date of Mailing
(day/month/year)

22 OCT 2002

Applicant's or agent's file reference

5543.P006PCT

REPLY DUE

within **TWO** months
from the above date of mailing

International application No.

PCT/US01/13620

International filing date (day/month/year)

27 APRIL 2001

Priority date (day/month/year)

28 APRIL 2000

International Patent Classification (IPC) or both national classification and IPC

IPC(7): H04L 29/12, 06 and US Cl.: 70710; 709/217, 218

Applicant

CENUS TECHNOLOGIES, INC.

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 *bis*.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 28 AUGUST 2002

Name and mailing address of the IPEA/US

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WRITTEN OPINION

International application No.

PCT/US01/13620

I. Basis of the opinion

1. With regard to the **elements** of the international application:*

☒ the international application as originally filed
☒ the description:
 pages 1-25 , as originally filed
 pages NONE , filed with the demand
 pages NONE , filed with the letter of _____

☒ the claims:
 pages 26-27 , as originally filed
 pages NONE , as amended (together with any statement) under Article 19
 pages NONE , filed with the demand
 pages NONE , filed with the letter of _____

☒ the drawings:
 pages 1-5 , as originally filed
 pages NONE , filed with the demand
 pages NONE , filed with the letter of _____

☒ the sequence listing part of the description:
 pages NONE , as originally filed
 pages NONE , filed with the demand
 pages NONE , filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

☒ the description, pages NONE
☒ the claims, Nos. NONE
☒ the drawings, sheets/fig NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)	Claims	<u>12-14</u>	YES
	Claims	<u>1-7, 8-11</u>	NO
Inventive Step (IS)	Claims	<u>NONE</u>	YES
	Claims	<u>1-14</u>	NO
Industrial Applicability (IA)	Claims	<u>1-14</u>	YES
	Claims	<u>NONE</u>	NO

2. citations and explanations

Claims 1-7, 8, 9-11 lack novelty under PCT Article 33(2) as being anticipated by Kavak Nail et al. WO 98 57275 A.

As per claims 1-7 and 9-11, Kavak Nail discloses the invention including "receiving a request for an information object at an address identified by a uniform resources locator (URL); and mapping the URL to a corresponding anycast address for the information object (Abstract; page 4, line 27-page 9, line 9).

As per claim 8, most of the limitations of this claim have been noted in the rejection of claims 1-7. In addition, Kavak Nail discloses advertise anycast address using a network layer anycast address (page 5, lines 10-14).

Claims 12-14 lack an inventive step under PCT Article 33(3) as being obvious over Kavak Nail WO 98 57275 in view of Balter James et al. WO 99 40514 A.

As per claims 12-14, most of the limitations of these claims have been noted in the rejection of claims 1-7 and 9-11. It is noted, however, Kavak Nail et al. fail to show a web router, configure to select the information object repository, configured to select the selected information object repository; wherein the performance metrics comprise one or more of average delay from the selected information object repository. However, Balter James et al. achieved the claimed limitations (See Balter James et al. Abstract, page 4, line 8-page 5, line 6; page 7, line 24-page 8, line 18; page 14, line 1-page 15, line 4; page 18, line 4-page 19, line 12. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Kavak Nail by incorporating the teachings of Balter James. The motivation being to have enhanced the versatility of Kavak Nail's system by utilizing information about the load and the network topology of the servers more efficiently.

____ NEW CITATIONS _____

NONE

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.